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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,397	02/15/2002	Nobuhiro Tagashira	03500.016190	7204
5514	7590	09/08/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			FIELDS, COURTNEY D	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/075,397	TAGASHIRA ET AL.
	Examiner Courtney D. Fields	Art Unit 2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 February 2002.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 30 April 2002.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-18 are pending.

***Information Disclosure Statement***

2. The Information Disclosure Statement respectfully submitted on 30 April 2002 has been considered by the Examiner.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kori et al. (US Patent No. 6,687,802).

Referring to the rejection of claims 1,7,12, and 14, Kori et al. discloses an information processing system, method, apparatus, and medium comprising:

first addition means for adding copyright information to a digital content (See Column 6, lines 20-57)

second addition means for adding a sampling program to one of the digital content or an application program for utilizing the digital content, the sampling program being automatically activated to sample the copyright information from the digital content (See Column 7, lines 40-50)

wherein the digital content is utilized in accordance with the copyright information sampled by the sampling program (See Column 7, lines 64-67, Column 8, lines 1-5)

Referring to the rejection of claims 2 and 8, Kori et al. discloses the claimed limitation wherein the first addition means adds the copyright information to the digital content added with the sampling program by the second addition means (See Column 16, lines 16-33)

Referring to the rejection of claim 3, Kori et al. discloses a medium for transferring a digital content, comprising: first transfer means for transferring the digital content embedded with copyright information (See Column 28, lines 44-50)

second transfer means for transferring a sampling program so as to allow the copyright information to be sampled from the digital content transferred by the first transfer means, the sampling program being automatically activated to sample the copyright information from the digital content (See Column 28, lines 51-58)

wherein the digital content is utilized in accordance with the copyright information sampled by the sampling program from the digital content (See Column 28, lines 29-65)

Referring to the rejection of claim 4, Kori et al. discloses the claimed limitation wherein the second transfer means transfers the application program for utilizing the digital content by adding the sampling program to the application program (See Column 28, lines 51-58)

Referring to the rejection of claim 5, Kori et al. discloses the claimed limitation wherein the medium is a communication medium (See Column 18, lines 40-45)

Referring to the rejection of claim 6, Kori et al. discloses the claimed limitation wherein the medium is a storage medium (See Column 18, lines 53-65)

Referring to the rejection of claims 9,13,15,16, and 18, Kori et al. discloses an information processing system, method, apparatus, and medium for processing a digital content embedded with copyright information comprising:

means for automatically activating a sampling program for sampling the copyright information from the digital content (See Column 1, lines 43-56)

and utilizing the digital content in accordance with the copyright information sampled by the sampling program (See Column 2, lines 6-17)

Referring to the rejection of claims 10 and 17, Kori et al. discloses the claimed limitation wherein the sampling program is added to the digital content (See Column 2, lines 56-67, Column 3, lines 1-4)

Referring to the rejection of claim 11, Kori et al. discloses the claimed limitation wherein the sampling program is added to an application program for utilizing the digital content (See Column 21, lines 63-67, Column 22, lines 1-10)

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Osaka (US Patent No. 6, 771, 794) discloses an electronic watermark generating apparatus, method, and memory medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-

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272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MOJ  
cdf  
September 3, 2005

*Matthew J. Smithers*  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
Art Unit 2137